

Message Text

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60

ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02 INR-10

L-03 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-12 ACDA-19

AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08

JUSE-00 NSF-04 OMB-01 SCI-06 CEQ-02 RSR-01 /240 W
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TAGS: PBOR, UN

SUBJECT: LOS: WORKING GROUP 2 OF SUBCOMMITTEE III,
15 TH MEETING, APRIL 5, 1973

1. SUMMARY: MEETING DEVOTED MAINLY TO CONSIDERATION OF
U. S. PAPER ON COMPETENCE TO ESTABLISH STANDARDS FOR CONTROL
OF VESSEL SOURCE POLLUTION AND TO A LESSER EXTENT ON
CANADIAN WORKING PAPER: PREVENTION OF POLLUTION FROM
SHIPS (A/ AC.138/ S. C. III/ L.37).

2. GHANA FAVORED INTERNATIONAL STANDARDS AS MUCH AS
POSSIBLE BUT COASTAL STATES SHOULD BE ABLE TO INVOKE
STRICTER MEASURES. THEY COULD NOT ACCEPT U. S. PROPOSAL
FOR EXCLUSIVELY INTERNATIONAL STANDARDS. THEY NOTED
THAT THE DRAFT IMCO CONVENTION PROVIDES FOR STATES
HAVING STRICTER MEASURES WITHIN THEIR JURISDICTION.

3. TRINIDAD AND TOBAGO THOUGHT U. S. PAPER WAS WELL
THOUGHT OUT BUT THEY COULD NOT ACCEPT EXCLUSIVELY
INTERNATIONAL STANDARDS. MEASURES SET BY MAJOR MARI-
TIME POWERS MAY NOT BE MET BY LDC' S. COMMON STANDARDS
ARE IMPRACTICAL FOR NOW. THE U. S. PAPER SETS FORTH
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GOALS FOR STATES TO MEET.

4. KENYA AGREED THAT NO COASTAL STATE COULD ALONE PROTECT ITSELF FROM MARINE POLLUTION BUT THE COASTAL STATE MUST BE ABLE TO TAKE MEASURES TO PROTECT ITSELF. COASTAL STATE STANDARDS NEED NOT INTERFERE WITH NAVIGATION (WHICH NO STATE INTENDS TO DO).

5. EGYPT FAVORED COASTAL STATE SETTING STANDARDS AS A RESIDUAL AUTHORITY IF THERE ARE NO INTERNATIONAL STANDARDS OR IF THE INTERNATIONAL STANDARDS ARE INADEQUATE.

6. SWEDEN HOPED TO PRESENT THEIR VIEWS ON ISSUES RAISED IN U. S. PAPER IN GENEVA.

7. MALTA THOUGHT THAT NEITHER EXCLUSIVELY INTERNATIONAL STANDARDS NOR RESIDUAL COASTAL STATE STANDARDS ARE PERFECT. LOOK TO GIVE AND TAKE IN GENEVA. INTERNATIONAL STANDARDS NEED TO BE ESTABLISHED AND ENFORCED. WHILE SUCH STANDARDS MAY NOT SATISFY COASTAL STATE THE COASTAL STATE STANDARDS MUST BE IN SPIRIT OF INTERNATIONAL STANDARDS. IF THERE ARE DISPUTES, REFERENCE SHOULD BE TO THE INTERNATIONAL INSTITUTION WHICH PROVIDES THE BALANCING ELEMENT.

8. NEW ZEALAND COULD NOT ACCEPT EXCLUSIVELY INTERNATIONAL STANDARDS. NEED COASTAL STATE RIGHTS TO DEAL WITH LOCAL CONDITIONS NOT REFLECTED IN INTERNATIONAL STANDARDS.

9. JAPAN EXPRESSED SYMPATHY AND SUPPORT FOR U. S. PAPER. NEED UNIFORM INTERNATIONAL STANDARDS. IMCO DOING USEFUL WORK. COASTAL STATE STANDARDS WOULD HAMPER NAVIGATION.

10. SPAIN THOUGHT EXCLUSIVELY INTERNATIONAL STANDARDS ARE UTOPIAN AND INAPPROPRIATE. WITH RESPECT TO FREE NAVIGATION AND POLLUTION CONTROL, HE SUPPORTED FREE NAVIGATION ON HIGH SEAS BUT NOT IN TERRITORIAL SEA.

11. CANADA INTRODUCED WORKING PAPER (PARA1), WHICH CONTAINS EXCERPTS (ARTICLES 4 PENALTIES / VIOLATION) AND 8 POWER OF CONTRACTING STATES) FROM DRAFT 1973 IMCO CONVENTION FOR PREVENTION OF POLLUTION FROM SHIPS. HE THOUGHT IT IMPORTANT TO ENSURE GOVERNMENTS UNCLASSIFIED

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COORDINATE IMCO AND LOS CONFERENCES IN TERMS OF POSITIONS AND PERSONNEL (NEW ZEALAND AGREED).

12. U. S. WILL CONSIDER REMARKS OF OTHER DELEGATIONS RE WORKING PAPER. NOTED THAT CANADIAN PAPER HELPFUL AND ESPECIALLY AGREED WITH FOOTNOTE 9 TO ARTICLE 4. " ANY CONTRACTING STATE MAY CAUSE PROCEEDINGS TO BE TAKEN WHEN ANY SHIP TO WHICH THE PRESENT CONVENTION APPLIES ENTERS ITS PORTS OR OFF- SHORE TERMINALS, IN RESPECT OF ANY

VIOLATION BY THAT SHIP, OR ITS OWNER OR MASTER, OF THE
REQUIREMENTS OF THE CONVENTION. WHEREVER THE
VIOLATION OCCURRED, PROVIDED, HOWEVER, THAT SUCH
PROCEEDINGS ARE COMMENCED NO LATER THAN (THREE) YEARS
AFTER THE VIOLATION OCCURRED..." FOOTNOTE WOULD YIELD
MORE EFFECTIVE ENFORCEMENT OF INTERNATIONAL
STANDARDS AND WOULD NOT INTERFERE WITH MARITIME RIGHTS.
IT IS CLEAR EXAMPLE OF CLASSIC CONCEPTS BEING MERGED
WITH NEW CONCEPTS WITHOUT CAUSING DIFFICULT PROBLEMS.
PHILLIPS

UNCLASSIFIED

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